

**IN THE UNITED STATES DISTRICT COURT  
FOR THE MIDDLE DISTRICT OF PENNSYLVANIA**

<b>UNITED STATES OF AMERICA</b>	:	<b>CRIMINAL NO. 1:05-CR-0157</b>
	:	
v.	:	<b>(Judge Conner)</b>
	:	
<b>KWAME DWUMAAH</b>	:	

**ORDER**

AND NOW, this 10th day of August, 2006, upon consideration of the government's motion (Doc. 47) for application of defendant's \$10,000 appearance bond to restitution, see 28 U.S.C. § 2044 ("On motion of the United States Attorney, the court shall order any money belonging to and deposited by or on behalf of the defendant with the court for the purposes of a criminal appearance bail bond . . . to be held and paid over to the United States [A]ttorney to be applied to the payment of any assessment, fine, restitution, or penalty imposed upon the defendant."), and of defendant's motion (Doc. 61), requesting that the appearance bond money be transferred to the "Immigration Court at Newark," and it appearing that defendant was convicted of theft of government monies<sup>1</sup> and ordered to pay an assessment in the amount of \$25 and restitution in the amount of \$75,192 (see Doc. 43), and it further appearing that the bond was paid by the defendant and not a surety (see Doc. 22), see 28 U.S.C. § 2044; see also United States v. Plympton, 77 F.3d 460, 460 (1st Cir. 1996) (stating that § 2044 "does not apply to any third party surety"); United States v. Equere, 916 F. Supp. 450, 452 (E.D. Pa. 1996) ("Section 2044 grants courts

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<sup>1</sup> See 18 U.S.C. § 641.

authority to transfer bail funds if a defendant's own money has been used to post bond."), it is hereby ORDERED that:

1. The motion (Doc. 47) for application of appearance bond to restitution is GRANTED. See 28 U.S.C. § 2044.
2. The Clerk of Court is directed to TRANSFER the \$10,000 appearance bond, paid by defendant Kwame Dwumaah, to the United States Attorney for application to any outstanding assessment and restitution obligations.
3. Defendant's motion (Doc. 61) for the transfer of bond money is DENIED.

S/ Christopher C. Conner  
CHRISTOPHER C. CONNER  
United States District Judge